United Nations A/HRC/35/L.25

General Assembly

Distr.: Limited
19 June 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Georgia, Germany, Hungary, Iceland,* Israel,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Malta,* Mexico,* Monaco,* Montenegro,* Netherlands, Norway,* Paraguay, Peru,* Philippines, Poland,* Portugal, Republic of Moldova,* Romania,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia,* Ukraine,* Uruguay:* draft resolution

35/... Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

* State not a member of the Human Rights Council

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Mindful of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolutions 8/3 of 18 June 2008, 17/5 of 16 June 2011 and 26/12 of 26 June 2014 and Assembly resolutions 61/173 of 19 December 2006, 65/208 of 21 December 2010, 67/168 of 20 December 2012, 69/182 of 18 December 2014 and 71/198 of 19 December 2016,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and notes with appreciation the thematic reports presented to the Human Rights Council during his and her mandate on the use of information and communications technologies to secure the right to life,[1] on the right to life and the use of force by private security providers in law enforcement contexts[2] and on a gender-sensitive

[1] A/HRC/29/37.
[2] A/HRC/32/39.

approach to arbitrary killings,[3] and invites States to give due consideration to the conclusions and recommendations given therein;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of his or her mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out his or her mandate:

(*a*) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*b*) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*c*) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(*d*) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(*e*) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(*f*) To apply a gender perspective in his or her work;

8. *Urges* States:

(*a*) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(*b*) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(*c*) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

[3] A/HRC/35/23.

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

United Nations A/HRC/35/L.26

General Assembly

Distr.: Limited
20 June 2017

Original: English

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Australia,* Austria,* Azerbaijan,* Belgium, Bosnia and Herzegovina,* Botswana, Bulgaria,* Canada,* Croatia, Cyprus,* Czechia,* Ethiopia, Georgia, Ghana, Haiti,* Honduras,* Hungary, Israel,* Italy,* Latvia, Liechtenstein,* Luxembourg,* Mexico,* Monaco,* Montenegro,* Netherlands, Norway,* Peru,* Poland,* Portugal, Romania,* Rwanda, Serbia,* Sierra Leone,* Slovakia,* Slovenia, Spain,* Switzerland, the former Yugoslav Republic of Macedonia,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, Uruguay,* Zambia:* draft resolution

35/... Child, early and forced marriage in humanitarian settings

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other relevant human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming its resolutions and 24/23 of 27 September 2013 and 29/8 of 2 July 2015, and recalling General Assembly resolutions 69/156 of 18 December 2014 and 71/175 of 19 December 2016,

Acknowledging that international humanitarian law and international human rights law are complimentary and mutually reinforcing,

Reaffirming the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development, the

* State not a member of the Human Rights Council.

Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

Reaffirming also relevant resolutions and agreed conclusions of the Commission on the Status of Women, and recalling the relevant commitments taken by States in the framework of the World Humanitarian Summit, as well as relevant general comments of the human rights treaty bodies related to child, early and forced marriage,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] and noting the integrated nature of the 2030 Agenda and the range of goals and targets relevant to preventing, responding to and eliminating child, early and forced marriage, including target 5.3,

Welcoming also the adoption of General Assembly resolution 71/1 of 19 September 2016 on the New York Declaration for Refugees and Migrants,

Taking note of the work of the World Health Organization High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights of 24 March 2017 on the expert meeting on the impact of existing strategies and initiatives to address child, early and forced marriage,[2] and taking note with appreciation of the report of the Secretary-General on child, early and forced marriage of 29 July 2016,[3]

Taking note with appreciation of the ongoing United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, as well as regional, national and subnational instruments, mechanisms and initiatives to end child, early and forced marriage, including the African Union Campaign to End Child Marriage and the Regional Action Plan to End Child Marriage in South Asia, as well as ongoing United Nations activities and programmes on child, early and forced marriage, and further encouraging coordinated approaches to action at all levels,

Recognizing that child, early and forced marriage is a harmful practice which violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices, including female genital mutilation, and human rights violations, and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls and to prevent and eliminate child, early and forced marriage,

Deeply concerned by the impact of deep-rooted gender inequalities, norms and stereotypes and of harmful practices, perceptions and customs that are among the primary causes of child, early and forced marriage, and deeply concerned also that poverty and lack of education are also among the drivers of this harmful practice, and that it remains common in rural areas and among the poorest communities,

Recognizing that child, early and forced marriage undermines women's and girls' autonomy and decision-making in all aspects of their lives and remains an impediment not only to the economic, legal, health and social status of women and girls, but also to the development of society as whole, and that the empowerment of and investment in women and girls, the meaningful participation of girls in all decisions that affect them, and women's full, equal and effective participation at all levels of decision-making are a key

[1] General Assembly resolution 70/1.
[2] A/HRC/35/5.
[3] A/71/253.

factor in breaking the cycle of gender inequality and discrimination, violence and poverty and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth,

Noting with concern that child, early and forced marriage disproportionally affects girls who have received little or no formal education and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth and/or childcare responsibilities, and recognizing that educational opportunities are directly related to the empowerment of women and girls, their employment and economic opportunities and their active participation in economic, social and cultural development, governance and decision-making,

Strongly condemning attacks on and abductions of all girls, deploring all attacks, including terrorist attacks, on educational institutions, their students and staff, and urging States to protect them from attacks,

Recognizing that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health of women and girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV/AIDS, as well as increasing vulnerability to all forms of violence,

Recognizing also that in humanitarian settings, which include humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, pre-existing human rights issues are further exacerbated and that new violations and abuses arise in consequence of the crisis,

Noting with concern that the incidence and risk of child, early and forced marriage is highly exacerbated in humanitarian settings due to various factors, including insecurity, gender inequality, increased risks of sexual and gender based violence, breakdown of rule of law and state authority, the misconception of providing protection through marriage, the use of forced marriage as a tactic in conflict, lack of access to education, the stigma of pregnancy outside of marriage, absence of family planning services, a disruption of social networks and routines, increased poverty, and the absence of livelihood opportunities,

Recognizing that ending child, early and forced marriage requires increased attention, gender and age-sensitive approaches, appropriate protection, prevention and response measures and coordinated action by relevant stakeholders, with the full and meaningful participation of the women and girls affected, from the early stages of humanitarian emergencies, and recognizing further the importance of addressing the increased vulnerability of women and girls to sexual and gender-based violence and sexual exploitation and abuse in those situations,

1. *Recognizes* that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide ranging and adverse consequences on the enjoyment of human rights, such as the right to education, the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;

2. *Calls upon* States, with the participation of relevant stakeholders, including girls, women, religious and community leaders, civil society and human rights groups,

humanitarian actors, men and boys, and youth organizations to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings, and to support already married girls, adolescents and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies and the sharing of best practices across borders in full compliance with international human rights obligations and commitments;

3. *Urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting already married women and girls, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. *Also urges* States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

5. *Further urges* States to promote, respect and protect the human rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences;

6. *Calls upon* States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education or have left school early, including because of marriage and/or childbearing, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

7. *Also calls upon* States, with the support of humanitarian partners, healthcare providers and experts, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent, respond to and eliminate child, early and forced marriage in humanitarian settings, including by integrating and harmonising such interventions into efforts focused on conflict-prevention, protection of civilians, and access to information and services;

8. *Invites* all stakeholders to promote the use of the Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action;

9. *Encourages* States to promote open dialogue with all concerned parties, including religious and community leaders, women, girls, men and boys, parents, legal guardians, and other family members, as well as humanitarian and development actors in order to address concerns and specific needs of those at risk of child, early and forced marriage within humanitarian settings, and to address social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the practice of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large;

10. *Calls upon* States to promote the meaningful participation of and active consultation with children and adolescents affected by humanitarian settings, especially girls, on all issues affecting them and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills and leadership skills training and opportunities to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

11. *Also calls upon* States to promote, respect and protect the rights of women and girls to education through enhanced emphasis on quality education, and to ensure universal access to sexual and reproductive health-care services, information and education, as set out in target 3.7 of the 2030 Agenda, and to promote school enrolment and retention among girls, including in secondary school, and by allowing access to education services for children who have been forced to flee their homes, schools and communities and to ensure that schools offer them safe and supportive environments;

12. *Urges* States to provide specialized child protection services to refugee and displaced children, which takes into account the particular vulnerabilities and specific protection needs of children, including those who have been forced to flee violence and persecution or who are unaccompanied or separated, including protection and response to the practice of child, early and forced marriage;

13. *Also urges* States, with the collaboration of relevant stakeholders, to ensure that the basic humanitarian needs of affected populations and families, including clean water, sanitation, food, shelter, energy, health, including sexual and reproductive health, nutrition, education and protection, are addressed as critical components of humanitarian response, to ensure that civil registration and vital statistics are an integral part of humanitarian assessments, and that livelihoods are protected recognizing that poverty and lack of economic opportunities for women and girls are among the drivers of child, early and forced marriage;

14. *Further urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including in humanitarian settings, including by informing women and girls of their rights under relevant laws, and by improving legal infrastructure and removing all barriers to access legal counselling, assistance and remedies;

15. *Invites* States to consider including, as appropriate, within the framework of relevant national action plans, and in their national reports in the context of the universal periodic review, any best practices and implementation efforts as well as identified challenges relating to the elimination of child, early and forced marriage, including within humanitarian settings;

16. *Encourages* relevant United Nations entities, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support States in developing and implementing strategies and policies at the national, regional and international levels to effectively develop measures to prevent, eliminate and respond to child, early and forced marriage, including in humanitarian settings;

17. *Encourages* relevant existing mechanisms of the Human Rights Council to give due consideration to the issue of child, early and forced marriage, including in humanitarian settings, during the exercise of their mandates;

18. *Requests* the Office of the United Nations High Commissioner for Human Rights to create a web portal to bring together and collate information relating to child, early and forced marriage, including in humanitarian settings;

19. *Requests* the United Nations High Commissioner for Human Rights to provide a written report with input from all relevant stakeholders on child, early and forced marriage with a focus on humanitarian settings to the Human Rights Council at its forty-first session, and to provide an oral update in this regard to the Council at its thirty-eighth session;

20. *Decides* to continue its consideration of the issue of strengthening efforts to prevent and eliminate child, early and forced marriage at the Human Rights Council.

United Nations A/HRC/35/L.27

General Assembly

Distr.: Limited
20 June 2017

Original: English

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Albania, Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Chile,* Cyprus,* Czechia,* Denmark,* Finland,* France,* Georgia, Germany, Italy,* Liechtenstein,* Luxembourg,* Malta,* Mexico,* Monaco,* Montenegro,* Netherlands, Panama, Peru,* Qatar, Slovakia,* Slovenia, Spain,* Switzerland, Ukraine,* United Kingdom of Great Britain and Northern Ireland: draft resolution

35/... Protection of human rights and fundamental freedoms while countering terrorism

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming its decision 2/112 of 27 November 2006 and resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008, 10/15 of 26 March 2009, 13/26 of 26 March 2010, 19/19 of 23 March 2012, 25/7 of 27 March 2014, 29/9 of 2 July 2015, 31/3 of 23 March 2016 and 33/21 of 6 October 2016, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009, 65/221 of 21 December 2010, 66/171 of 19 December 2011, 68/178 of 18 December 2013, 70/148 of 17 December 2015 and 70/291 of 1 July 2016, and welcoming the efforts of all relevant stakeholders to implement them,

1. *Calls upon* States to ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular international human rights law, international refugee law and international humanitarian law;

* State not a member of the Human Rights Council.

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2. *Expresses serious concern* at the violations of human rights and fundamental freedoms and of international refugee law and international humanitarian law in the context of countering terrorism and violent extremism conducive to terrorism;

3. *Affirms its unequivocal condemnation* of all acts, methods and practices of terrorism and violent extremism conducive to terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, and of the financial, material or political support of terrorism, as unjustifiable in accordance with applicable international law, in the light of, in particular, their detrimental effects on the enjoyment of human rights and on democratic societies as well as the threat they pose to the territorial integrity, the security of States and the stability of Governments;

4. *Renews its commitment* to strengthen international cooperation to prevent, counter and combat terrorism and, in that regard, calls upon States and other relevant parties, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars, which reaffirm, inter alia, respect for human rights for all and the rule of law as being the fundamental basis of the fight against terrorism;

5. *Stresses* the responsibility of States to protect persons in their territory against such acts, in full compliance with their obligations under international law, and in particular international human rights law, international refugee law and international humanitarian law;

6. *Deeply deplores* the suffering caused by terrorism to the victims and their families and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirms its profound solidarity with them, and stresses the importance of providing them with proper support and assistance while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law;

7. *Emphasizes* the need to ensure that victims of terrorism are treated with dignity and respect, stresses the need to promote international solidarity in support of the victims of terrorism, and recognizes the role that victims of terrorism can play, including in countering the appeal of terrorism;

8. *Calls upon* States to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated by measures taken or means employed to counter terrorism or violent extremism conducive to terrorism, has access to justice, due process and an effective remedy, and that victims of human rights violations receive adequate, effective and prompt reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence;

9. *Stresses* the importance of ensuring access to justice and accountability, including by developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

10. *Strongly encourages* relevant United Nations agencies to take into account in their technical assistance to counter terrorism, whenever appropriate, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

11. *Reaffirms* that terrorism and violent extremism cannot and should not be associated with any religion, nationality, civilization or ethnic group;

12. *Urges* States to ensure that measures taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory, and not to resort to profiling

based on stereotypes founded on ethnic, racial or religious grounds or any other ground of discrimination prohibited by international law;

13. *Recognizes* the important role of education, respect for cultural diversity, preventing and combating discrimination, employment and inclusion in helping to prevent terrorism and violent extremism conducive to terrorism, and welcomes the engagement of relevant United Nations agencies with Member States to implement strategies to prevent violent extremism conducive to terrorism through education;

14. *Also recognizes* the importance of preventing violent extremism conducive to terrorism, and invites Member States and regional and subregional organizations to consider developing national and regional plans of action in this regard;

15. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism and calls upon States to ensure that measures to counter terrorism and violent extremism conducive to terrorism and to preserve national security do not hinder its work and safety and are in compliance with their obligations under international law;

16. *Urges* States to ensure that gender equality and non-discrimination are taken into account when shaping, reviewing and implementing all counter-terrorism measures;

17. *Calls upon* States to highlight the important role of women in countering terrorism and violent extremism conducive to terrorism, and to consider, when appropriate, the impact of counter-terrorism strategies on women's and children's human rights and women's and children's organizations, and to seek consultations with these organizations when developing strategies to counter terrorism and preventing violent extremism conducive to terrorism;

18. *Recognizes* the important role of religious leaders and institutions, local communities and community leaders in preventing and countering terrorism and violent extremism conducive to terrorism;

19. *Reiterates* that, given their potential status as victims of terrorism and of other violations of international law, all children alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with applicable international law, in particular the obligations set out under the Convention on the Rights of the Child, and, bearing in mind relevant international standards on human rights in the administration of justice in this regard, urges Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups;

20. *Urges* all States to respect and protect the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, including in the context of digital communication, and calls upon States, while countering terrorism and violent extremism conducive to terrorism, to review their procedures, practices and legislation regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law, and urges them to take measures to ensure that any interference with the right to privacy is regulated by law, which must be publicly accessible, clear, precise, comprehensive and non-discriminatory, and that such interference is not arbitrary or unlawful, bearing in mind what is reasonable to the pursuance of legitimate aims;

21. *Emphasizes* the key importance of the full respect for the right to freedom of opinion and expression in efforts to fight terrorism and violent extremism conducive to

terrorism, and also in countering the propaganda of terrorist and extremist groups, bearing in mind the provisions set out in the International Convention on Civil and Political Rights;

22. *Urges* States to ensure that any measure taken or means employed to counter terrorism and violent extremism conducive to terrorism, including the use of remotely piloted aircraft, complies with their obligations under international law, including international human rights law and international humanitarian law;

23. *Also urges* States, while undertaking counter-terrorism activities, to respect their international obligations regarding humanitarian actors and organizations that play a key role in areas where terrorist groups are active;

24. *Further urges* States to undertake prompt, independent and impartial fact-finding inquiries whenever there are plausible indications of breaches of their obligations under international law as a result of any measures taken or means employed to counter terrorism, and to ensure accountability for those responsible for violations that amount to crimes under national or international law;

25. *Notes with concern* measures that undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the use of torture, the unlawful deprivation of the right to life and other fundamental freedoms, and urges States to provide for review of detention and to respect the rights to equality and non-discrimination in the administration of justice, to a fair and public hearing by a competent, independent and impartial tribunal as well as to the presumption of innocence, to a fair trial and other fundamental judicial guarantees, as provided for by international law, including international human rights law, and, as applicable international humanitarian law and international refugee law;

26. *Urges* States to take measures to ensure that counter-terrorism laws and implementing measures are consistent with and are applied in a manner that fully respects international human rights law, in particular the rights enshrined in articles 10 and 11 of the Universal Declaration of Human Rights and further codified in articles 14 and 15 of the International Covenant on Civil and Political Rights, with a view to ensuring respect for the principle of certainty of the law by clear and precise provisions;

27. *Notes with concern* the unlawful transfer or return of suspects of terrorist activities to countries where there are substantial grounds for believing that they would be in danger of being subject to torture;

28. *Calls upon* Member States and the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

29. *Encourages* Member States, United Nations entities, regional and subregional organizations and relevant actors to consider instituting mechanisms to involve youth in the promotion of a culture of peace, justice and human development, and ethnic, national and religious tolerance by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society;

30. *Takes note with appreciation* of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[1]

[1] A/HRC/34/61.

31. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms;[2]

32. *Requests* the Special Rapporteur, in accordance with his mandate, to continue to gather, request, receive and exchange information on alleged violations of human rights and fundamental freedoms while countering terrorism, and to report regularly to the Human Rights Council;

33. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

34. *Welcomes* the creation of the Office of Counter-Terrorism, and encourages the Office as well as all the relevant United Nations bodies, agencies, funds and programmes, and international, regional and subregional organizations involved in supporting counter-terrorism efforts, in particular those that are participating in the Counter-Terrorism Implementation Task Force and that provide technical assistance relating to the prevention and suppression of terrorism to consenting States, to include, as appropriate and where consistent with their mandates, respect for international law, in particular human rights law and, as applicable, international humanitarian law and international refugee law, as an important element of the technical assistance they offer to States in the area of counter-terrorism;

35. *Recalls* the need to continue to ensure that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance efficiency and transparency, in particular with regard to placing individuals and entities on, and removing them from, terrorism-related sanctions lists, while emphasizing the importance of sanctions in countering terrorism under international law, and welcomes the ongoing efforts by the Security Council in support of those objectives;

36. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Human Rights Council under agenda item 3, in conformity with its annual programme of work.

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[2] A/HRC/34/30.

United Nations A/HRC/35/L.28

General Assembly

Distr.: Limited
19 June 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Belgium, Bosnia and Herzegovina,* Chile,* Cyprus,* Germany, Haiti,* Honduras,* Mexico,* Netherlands, Paraguay, Peru,* Philippines, Portugal, Romania,* Switzerland, Sweden,* Turkey,* Ukraine:* draft resolution

35/... Protection of the human rights of migrants: the global compact for safe, orderly and regular migration

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

* State not a member of the Human Rights Council.

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Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her migration status,

Recognizing that States are responsible for promoting, protecting and respecting the human rights of all persons, including all migrants regardless of their migration status, who are in their territory and subject to their jurisdiction,

Recognizing also the shared and respective responsibilities of countries of origin, transit and destination in promoting, protecting and respecting the human rights of all migrants, and urging all countries to avoid approaches that might aggravate their vulnerable situation,

Recalling that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and mainstreaming of human rights within the United Nations system,

Underscoring that all migrants, regardless of their migration status, are human rights holders and reaffirming the need to protect their safety, dignity and human rights and fundamental freedoms,

Reaffirming the New York Declaration for Refugees and Migrants and the aannexes thereto, adopted by the General Assembly in its resolution 71/1 of 19 September 2016, and calling for the fulfilment of the commitments of Member States reflected therein,

Stressing the need to mainstream human rights throughout the global compact for safe, orderly and regular migration and, in this regard, welcoming the informal thematic session on the human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance, held in Geneva in May 2017, and taking note of the other informal thematic sessions, regional and subregional consultations and multi-stakeholder hearings,

Taking note of General Assembly resolution 71/280 of 6 April 2017 on modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration,

Noting with appreciation the enhanced interactive dialogue on the human rights of migrants in the context of large movements, held by the Human Rights Council at its thirty-fourth session,

Taking note with appreciation of the report on the promotion and protection of the human rights of migrants in the context of large movements,[1] submitted by the United

[1] A/HRC/32/67.

Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-third session,

Taking note with appreciation also of the reports of the Special Rapporteur on the human rights of migrants on global migration, including the report on the human rights of migrants on a 2035 agenda for facilitating human mobility,[2] and taking note of the conclusions of the report of the Special Rapporteur submitted to the General Assembly,[3]

Taking note with appreciation further of the report of the Special Representative of the Secretary-General on Migration,[4]

Noting with appreciation the work performed by the Global Migration Group and, in particular, its Working Group on Migration, Human Rights and Gender, on principles and practical guidance on the protection of the human rights of migrants in vulnerable situations,

Noting the ninth summit meeting of the Global Forum on Migration and Development, held in Dhaka in December 2016, which emphasized, inter alia, the importance of improving the governance of migration which encourages the formulation of a comprehensive framework that covers all the relevant dimensions of migration, the promotion of migration and development, and addressing irregular migration, and welcoming the convening of the tenth summit meeting, in Berlin, from 28 to 30 June 2017,

Bearing in mind that policies and initiatives on the issue of migration should promote holistic approaches that take into account the causes and consequences of the phenomenon, and acknowledging that poverty, underdevelopment, lack of opportunities, poor governance and environmental factors, and human rights violations and abuses, as well as armed conflict, terrorism, absence of peace and security, conflict prevention and resolution are among the drivers of migration,

Deeply concerned about the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their migration status, and reaffirming the commitment to take action to avoid the loss of life of migrants,

Expressing serious concern about the special needs of and risks faced by migrants in vulnerable situations, including women at risk, children, especially unaccompanied migrant children or children separated from their families, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking and victims of exploitation and abuse in the context of the smuggling of migrants, and recognizing the need to address vulnerable situations and the disproportionate risks migrants may face, particularly with regard to discrimination and exploitation, as well as sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery, racism, xenophobia, discrimination and intolerance towards all migrants

Expressing serious concern also about the particular vulnerable situations and risks faced by migrants, which can arise from the reasons for leaving country of origin, circumstances encountered by migrants en route, at borders and at destination, specific aspects of a person's identity or circumstance or a combination of these factors,

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[2] A/HRC/35/25.
[3] A/71/285.
[4] A/71/728.

Recalling that each State has a sovereign right to determine whom to admit to its territory, subject to that State's international obligations, and recalling also that States must readmit their returning nationals and ensure that they are duly received without undue delay, following confirmation of their nationalities in accordance with national legislation,

Expressing concern at the increasing trend of xenophobia and hostility towards migrants in societies and the criminalization of irregular migration, which might have a negative impact in the fulfilment of human rights globally,

Recognizing the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations, highlighting the principles and practical guidance on the human rights protection of migrants in vulnerable situations developed by the Global Migration Group as a contribution to further work in this regard,

Recognizing also that any type of return, whether voluntary or otherwise, must be consistent with States' obligations under international human rights law and in compliance with the principle of non-refoulement and should be in keeping with the best interest of children and due process,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Noting with appreciation the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encouraging them to continue their collaborative efforts within their respective mandates to this end,

Recognizing the contribution of civil society, including non-governmental organizations, to promoting the well-being of migrants and their integration into societies, especially at times of extremely vulnerable conditions, and encouraging deeper interaction between Governments and civil society to find responses to the challenges and the opportunities posed by international migration,

Recognizing also the cultural and economic contributions made by all migrants, regardless of their migration status, to receiving societies and their communities of origin and the need to identify appropriate means of maximizing development benefits and responding to the complex challenges that migration poses to countries of origin, transit and destination, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[5] which recognizes the positive contribution of migrants for inclusive growth and sustainable development and that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses involving full respect for human rights and the humane treatment of migrants regardless of migration status, and acknowledging that meeting the Sustainable Development Goals and targets of the 2030 Agenda could reduce the need for migrants to leave their homes in search of greater opportunities by addressing some of the root causes of movements of refugees and migrants,

[5] General Assembly resolution 70/1.

1. *Reaffirms* the need to effectively promote, protect and respect human rights and fundamental freedoms of all migrants, regardless of their migration status, including those of women, children, persons with disabilities and those who are discriminated against on any basis, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Calls upon* all States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migration status, particularly in the context of the preparatory process leading to the adoption of the global compact for safe, orderly and regular migration;

3. *Underlines* the importance of a comprehensive approach to the global compact for safe, orderly and regular migration, ensuring a people-centered, sensitive, humane, dignified, gender-responsive and prompt reception for all persons arriving in receiving countries, particularly those in large movements, and ensuring full respect and protection for their human rights and fundamental freedoms;

4. *Calls upon* all States to promote the mainstreaming of human rights and fundamental freedoms of migrants, including women and children, regardless of their migration status, and the specific needs of migrants in vulnerable situations, including the identification and protection of victims of human trafficking, in the context of the preparatory process leading to the adoption of the global compact for safe, orderly and regular migration;

5. *Takes note with appreciation* of the *Recommended Principles and Guidelines on Human Rights at International Borders*, prepared by the Office of the United Nations High Commissioner for Human Rights, and encourages States to give due consideration to their implementation, including through considering incorporating them into any practical actions agreed in the global compact for safe, orderly and regular migration;

6. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

7. *Also calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and Protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

8. *Reaffirms* the duty of States to effectively promote, protect and respect the human rights and fundamental freedoms of all migrants, including those of women and children at risk, especially unaccompanied migrant children or children separated from their families, persons with disabilities and those who are discriminated against on any basis, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

9. *Expresses concern* at legislation and measures adopted by some States that may adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants;

10. *Reaffirms* that States have the sovereign right to enact and implement migration and border security measures, but, while doing so, States have a duty to comply with their obligations under relevant international law, including international human rights law and refugee law, in order to ensure full respect for the human rights of migrants, including migrants in a vulnerable situation;

11. *Invites* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination, including by considering reviewing migration policies with a view to examining their possible unintended negative consequences;

12. *Calls upon* all States to promote and protect the human rights of all migrants, without discrimination of any kind, and to this end to provide assistance and relief to migrants who need it, including those in a vulnerable situation, regardless of their immigration status, and to create a safe, accessible and enabling environment in which individuals and organizations that provide such attention can operate;

13. *Also calls upon* all States to adopt a comprehensive and integral approach to migration policies, to facilitate safe, orderly, regular and responsible migration and mobility of people, to cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration represents, and to address efficiently its challenges in line with international human rights standards;

14. *Further calls upon* States to give due consideration to the proposal of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility[2] when participating in the preparatory process and during the negotiation of the global compact for safe, orderly and regular migration;

15. *Encourages* the Office of the High Commissioner to provide technical assistance to States, upon their request, to better promote and protect the human rights of migrants;

16. *Encourages* non-governmental organizations, civil society organizations, national human rights institutions and other relevant stakeholders to participate in the informal thematic sessions and informal Interactive multi-stakeholder hearings requested by the General Assembly, as part of the preparatory process for the intergovernmental conference, in accordance with Assembly resolution 71/280 on modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration;

17. *Encourages* special procedure mandate holders and treaty bodies, in accordance with their respective mandates and in coordination with the United Nations system as a whole, to provide input and to support the State-led preparatory process for the global compact and the intergovernmental conference in accordance with Assembly resolution 71/280;

18. *Requests* the United Nations High Commissioner for Human Rights:

(*a*) To participate, as appropriate, and contribute to the preparatory process of the global compact for safe, orderly and regular migration, with a view to providing human rights-based input and mainstreaming human rights throughout the global compact;

(*b*) To submit, as co-Chair of the Global Migration Group Working Group on Migration, Human Rights and Gender, principles and practical guidance on the protection of the human rights of migrants in vulnerable situations, on the basis of existing legal norms, and to report thereon to the Human Rights Council at its thirty-seventh session;

(*c*) To submit to the Human Rights Council before its thirty-sixth session a report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law, in consultation with States and other relevant stakeholders, including regional organizations, civil society organizations and national human rights institutions, and to transmit the report to the General Assembly at its seventy-second session;

(*d*) To submit, through the appropriate means, all relevant inputs from the Human Rights Council and its bodies and mechanisms for consideration in the preparation of the global compact for safe, orderly and regular migration, in accordance with Assembly resolution 71/280;

19. *Invites* all States to take into account, during their participation in the preparatory process, including the negotiation leading to the adoption of the global compact for safe, orderly and regular migration, the inputs produced by the Human Rights Council and its bodies and mechanisms;

20. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

21. *Encourages* States and regional and international organizations to enhance their cooperation with the Special Rapporteur on the human rights of migrants;

22. *Decides* to remain seized of the matter.

United Nations A/HRC/35/L.29

General Assembly

Distr.: Limited
19 June 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Botswana, Brazil, Bulgaria,* Chile,* Colombia,* Croatia, Czechia,* Denmark,* Ecuador, Estonia,* Finland,* France,* Georgia, Germany, Haiti,* Honduras,* Iceland,* Italy,* Latvia, Lithuania,* Luxembourg,* Mexico,* Montenegro,* Netherlands, Norway,* Peru,* Portugal, Rwanda, Serbia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland: draft resolution

35/... Elimination of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

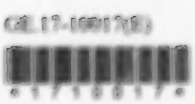
Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and all other relevant international human rights instruments,

Recalling the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, the Commission on the Status of Women and other United Nations agencies and bodies, which consider the issue of discrimination against women,

Welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its integration into all goals and targets of the

* State not a member of the Human Rights Council.



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2030 Agenda for Sustainable Development,[1] and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[2]

Deeply concerned that no country in the world has yet fully eliminated gender-based discrimination[3] and by the fact that many women and girls everywhere, particularly those who are marginalized or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subject to discriminatory laws and practices, and that de jure and de facto equality has not been achieved,

Expressing profound concern about the backlash against the progress made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, to fulfil women's human rights,

Recognizing the need for States to accelerate the implementation of strategies that respect, protect and fulfill women's right to enjoyment of civil, political, economic, cultural and social rights without discrimination by adopting good practices, and affirming that realizing their human rights requires the full, effective and meaningful participation and contribution of women and girls in all aspects of public, political, economic, cultural, social and family life, on an equal footing with men and boys,,

Underscoring that international human rights treaties prohibit discrimination, inter alia, on the basis of gender and that national legislation should adhere to each State's international obligations,

Recognizing that legal provisions related to gender equality create the framework from which women's rights can most comprehensively be promoted, protected and fulfilled and constitute an essential mechanism for women's and girls' full and equal enjoyment of all human rights, and recognizing that laws alone are insufficient to eliminate discrimination against women and girls and must be accompanied by supportive and sustainable environments in all sectors of society in which they can be meaningfully implemented,

Recognizing also that discrimination against women and girls is inherently linked to deep-rooted gender stereotypes, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices have direct negative implications for the status and treatment of women and girls and that gender-biased environments impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Fully recognizing that participation of women in public affairs, leadership and decision-making positions is key for advancing women's rights and empowerment and has enabled the development of support and skills to address a democratic deficit due to the history of women's exclusion from public life, including the implementation of all measures to remove all barriers preventing women from being elected,

Emphasizing the significant role that women play in economic development and in the eradication of poverty, while acknowledging that structural barriers to gender equality and gender-based discrimination persist in labour markets worldwide, and stressing the need to promote equal pay for equal work or work of equal value as a critical measure to

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[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313, annex.

[3] See World Health Organization, "Leading the realization of human rights to health and through health: report of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents".

eliminate the gender pay gap, recognizing women's full and equal access to economic resources, including the equal right to inheritance and ownership of land and other property, to promote decent paid care and domestic work by providing social protection and safe work conditions, and to develop and promote policies that facilitate the reconciliation and sharing of work and family responsibilities for both women and men,

Recognizing that progress has been made in increasing access to education for both boys and girls, in reducing the gender gap in youth literacy, in expanding universal primary education, in particular in developing countries, and in reducing the number of out-of-school children of primary school age worldwide,

Fully recognizing that ending discrimination against women and girls is essential to ensure peace, security, sustainable development and respect for human rights, that everyone benefits from the achievement of gender equality and that the negative impacts of gender inequality and discrimination, including violence against women and girls, are borne by society as a whole, and therefore emphasizing that men and boys, through taking responsibility themselves as agents and beneficiaries of change and by working alongside women and girls, are essential in the achievement of gender equality, the empowerment of women and girls and to efforts to prevent and eliminate all forms of discrimination and violence,

Reaffirming that the human rights of women include a woman's right to have control over and to decide freely and responsibly on matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the dignity, integrity and autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing the major contributions made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, in the development of good practices that place the interests, needs and visions of women and girls on local, national, regional and international agendas, including the 2030 Agenda, and recognizing the importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures on the empowerment of women and girls,

Recognizing also that the identification and the sharing of good practices in the eradication of discrimination against women in law and in practice illustrate the ways and means to implement human rights most effectively in diverse contexts; however, they comprise a complex, multifaceted endeavour involving a wide range of interconnected rights and cannot be considered in isolation from the breadth of actions and actors involved in processes of social change,

Taking note of the Secretary-General's High-level Panel on Women's Economic Empowerment, which stressed that addressing adverse norms and all forms of discrimination, ensuring legal protections and repealing discriminatory laws and regulations, including those related to families, is critical to achieving women's economic empowerment,

1. *Calls upon* States to consider ratifying or acceding to, as a matter of particular priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, to limit the extent of any reservations and formulate them as precisely and as narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention, to implement its provisions through appropriate legislation and policies, as applicable, and to take into due account recommendations made by the Committee on the Elimination of Discrimination against Women, the Working Group on the issue of discrimination against women in law

and in practice, the Special Rapporteur on violence against women, its causes and consequences, other States during the universal periodic review and other relevant human rights mechanisms, with a view to ensuring the realization of women's human rights;

2. *Takes note with appreciation* of the report of the Working Group,[6] and calls upon States to take steps to promote reforms and implement legal frameworks and policies directed to achieving gender equality and the elimination of all forms of discrimination against women and girls, taking into consideration the good practices identified in the four thematic reports of the Working Group;[7]

3. *Calls upon* States:

(*a*) To repeal all laws that exclusively or disproportionately criminalize actions or behaviours of women and girls, and laws that discriminate against them, based on any grounds, including any custom, tradition or cultural or religious consideration contrary to the obligation to eliminate discrimination against women and girls;

(*b*) To take measures to ensure that international obligations on gender equality and non-discrimination are incorporated at all levels of the legal framework;

(*c*) To consider reviewing all proposed and existing legislation on the basis of respective international obligations, with a gender-responsive perspective, involving, when necessary, independent experts, women human rights defenders, women's and girls' community-based organizations, feminist groups and youth-led organizations, and other relevant stakeholders;

(*d*) To promote laws and programmes that facilitate good practices related to women's and girls' empowerment and to the elimination of discrimination against them, by conducting systematic, comprehensive and regular gender analysis of the law and programmes and its potential impact;

4. *Urges* States to take all appropriate measures to modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls;

5. *Calls upon* States to take steps:

(*a*) To remove barriers, whether political, legal, cultural, economic, institutional or religious, preventing women's full, equal and effective participation in leadership and political and other decision-making positions;

(*b*) To take temporary special measures to support women's participation in and election to government at all levels;

(*c*) To ensure gender-responsive mainstreaming of policymaking processes, including public financial management;

(*d*) To provide training on a rights-based gender analysis for duty holders in all spheres and meaningful collaboration with civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations;

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[6] A/HRC/35/29.

[7] A/HRC/23/50, A/HRC/26/39, A/HRC/29/40 and A/HRC/32/44.

6. *Urges* States to guarantee women's equal enjoyment of civil, political, economic, social and cultural rights, to take all appropriate steps to eliminate discrimination by any actors, State or non-State, by ensuring equal opportunity through temporary positive measures, where appropriate, including accommodation for gender-specific needs and equal enjoyment of benefits, by recognizing, reducing and redistributing women's disproportionate share of unpaid care and domestic work and by taking steps to facilitate the transition of informal workers, including those engaged in informal paid care and domestic work, to the formal economy, and to extend rights to non-discrimination, paid parental leave and childcare provisions;

7. *Encourages* States to prioritize the allocation of funds, both internationally and domestically, to support women's full and equal enjoyment of all human rights, including by mainstreaming gender equality in the process of conceiving, planning, approving, executing, analysing and ordering budgets, to ensure that their legal and policy commitments bear results, and to implement active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's and girls' empowerment, including measures focused on attitudinal and behavioural change that cultivate an environment in which good practices in achieving gender equality in law and practice can thrive;

8. *Calls upon* States:

(*a*) To ensure the equal enjoyment of girls and boys to quality education at all levels and the elimination of discriminatory laws and practices, school-related gender-based violence and gender stereotypes that prevent girls from having access to, completing and continuing their education, and to provide incentive mechanisms to this end;

(*b*) To develop and implement programmes that specifically aim to prevent and eliminate gender disparities in enrolment and gender-based bias and stereotypes in education systems, curricula and materials, whether derived from any discriminatory practices, social or cultural attitudes or legal and economic circumstances;

(*c*) To consider adopting good practices to support substantive equality within families through long-term awareness-raising initiatives, especially education and public awareness, including through the media and online, incorporation of curricula on women's rights into teacher training courses, including evidence-based, comprehensive sexuality education and gender-based violence prevention;

9. *Also calls upon* States to implement policies to engage, educate, encourage and support men and boys:

(*a*) To take an active part and become strategic partners and allies, alongside women and girls, in the prevention and elimination of all forms of discrimination and violence against women and girls;

(*b*) To be agents and positive role models for addressing discrimination and gender inequality and promote respectful relationships and equal sharing of work and family responsibilities;

(*c*) To refrain from and condemn all forms of discrimination and violence against women and girls;

(*d*) To increase their understanding of the harmful effects of discrimination and violence on the victim/survivor;

(*e*) To take responsibility and be held accountable for their behaviour, including sexual and reproductive behaviour, and behaviour that perpetuates and normalizes patriarchal attitudes and gender stereotypes that underlie discrimination and violence against women and girls;

10. *Further calls upon* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating discrimination against women and girls, taking into account the multiple, intersecting and aggravating forms of discrimination, including by informing women and girls about their rights under relevant laws, training law enforcement officers and monitoring how they address discrimination and gender inequality, improving the legal system and taking steps to remove all barriers to access to legal counselling, assistance and remedies;

11. *Calls upon* States to progressively realize the full enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, and to eliminate legal, administrative, financial and social barriers that hinder universal access to available, accessible, acceptable, timely, affordable and quality health services for women and girls through gender-responsive national strategies and public-health policies and programmes that are comprehensive, affordable and better targeted to addressing their needs;

12. *Urges* States to ensure the promotion, protection and the fulfilment of all human rights and the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences and of sexual and reproductive health and reproductive rights in this context, and to promote, protect and fulfil the right of all women to have full control over and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect the right to decide autonomously in matters regarding their own lives and health, including their bodies, and ensure universal access to sexual and reproductive health, services, information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, safe abortion where not against national law and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national strategies and programmes;

13. *Also urges* States to create and support an enabling environment for the full participation of women's civil society organizations and women human rights defenders in the creation, design and implementation of all relevant legislation and policies relevant for the human rights of women, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women, and also to consider the application of the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the United Nations High Commissioner for Human Rights,[6] with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

14. *Calls upon* all States to continue developing and enhancing standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and sex- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically

[6] A/HRC/32/20.

design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, income and other characteristics relevant in national contexts;

15. *Also calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

16. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

17. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.